

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JOHNNY EDWARD WORKMAN,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-12507

WEXFORD MD, et al.,

Defendants.

ORDER

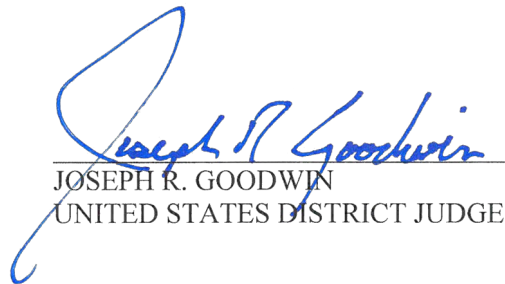
Pending before the court is the plaintiff's Application to Proceed Without Prepayment of Fees and Costs [ECF No. 1], and Motion requesting that the court appoint him counsel. Letter Form Mot. [ECF No. 6]. This action was referred to the Honorable Judge Dwane L. Tinsley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On April 5, 2018, the Magistrate Judge submitted findings of fact and recommended that the court deny the plaintiff's Application, and dismiss the action for failure to prosecute. Prop. Fin. & Rec. [ECF No. 12]. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

A district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de

novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The plaintiff's Application to Proceed Without Prepayment of Fees and Costs [ECF No. 1], and Motion requesting counsel [ECF No. 6] are **DENIED as moot**. The matter is **DISMISSED without prejudice**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 2, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE